IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SUO MOTU CONTEMPT PETITION NO.3 OF 2007

In

CIVIL APPLICATION (STAMP) NO.23778 OF 2006

In

A.O. (STAMP) NO.23769 OF 2006

High Court on its own motion : Petitioner

V/s.

Mrs.Meena Arun Navalkar : Respondent

...

Mrs.P.H.Kantharia, Addl. Public Prosecutor for the State.

...

CORAM : F.I.REBELLO & R.M.SAVANT,JJ.

DATE : JUNE 26, 2007.

P.C.

1. The learned Judge noted that Smt.Meena Arun Navalkar verified the document on 7.7.2006 and when she had no authority on that date, she could not have verified the same. In view of that, the Court directed that notice be issued and the matter be treated as suo motu proceedings. The office has treated it as Suo Motu Contempt Petition. That is how the matter has come up before this Bench.

2. We enquired from the learned Addl. Public Prosecutor

as to how the act would constitute a criminal contempt as it was not done in judicial proceedings or before the Court. The learned Addl. Public Prosecutor fairly brought to our attention the provisions of the Notaries Act, 1952. Section 12 of the Act sets out that any person who practices as a Notary or does any notarial act in contravention of section 9 shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both. Section 9 prohibits any person to practice as a Notary unless he holds a certificate of practice issued to him. In the instant case, at the highest, therefore, the act of the respondent would sound an offence for which the respondent can be prosecuted. The particular act would not sound in criminal contempt. In the light of that, the suo motu proceedings are disposed of.

F.I. REBELLO, J.

R.M. SAVANT, J.